App. F. IX-4

Previous References.

19 49-50
(CB)

File No. 17-CB

Serial Nos. 5

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for Nov 49

SUBJECT

Draft Indian Civil and Administrative Services.
(Joint Letter) Rules 1950

Serial No.

Letter No.F.23(4)-S/49.Pt.III, dated the 21st November 1949, from the Government of India, Ministry of States, New Delhi, forwarding a copy of the draft Indian Civil and Administrative Services (Joint Cadre) Rules, 1950, and requesting comments and suggestions on the same not later than the 10th December 1949.

1) Under article 282 C(2) of the Constitution of India - "the services known on the date of commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article." It is therefore, considered necessary to promulgate ~~these Joint Cadre Rules under the Government of India Act, before new Constitution comes into force~~ (that is before the 26th January 1950), so that the rules might continue to exist on a ~~temporary~~ statutory basis even after the introduction of the Constitution.

2) The draft of the proposed Indian Civil and Administrative Services (Joint Cadre) Rules, 1950, is flagged. An important schedule namely, ~~part of the~~ schedule III, ~~framing~~ forming part of the rules and showing: (1) scales of pay admissable to the Joint Cadre Officers; (2) determination of the seniority of members of the Joint Cadre; (3) leave and leave salaries admissable to a Joint Cadre Officer; (4) Retirement benefits admissable to the Joint Cadre Officers; (5) disciplinary proceedings against a Joint Cadre Officer; (6) conduct rules governing all Joint Cadre Officers; has yet to be completed and ~~presumably this schedule would also be sent in~~ due course to this Government, for comments and suggestions, if any. If approved, the Government of India will be requested to confirm this, and forward immediately copies of Ministry of Home Affs Express letter No. 60/4/47-Gs dt 8.5.48 and letter No. 20/12/49-R dt 18.7.48 for preliminary examination by this Govt.

NOTE—Contn. Sheet.

WD 4509—GBPM—1,000—28-10-40.

3) As regards the draft rules, it may be stated that they contemplate the acceptance by this Govt. without any change, the Indian Administrative Service (Extension) to States) Scheme, and proceed throughout on this basis and assumption. As the acceptance by this Government of this Scheme, is however, subject to certain conditions which have been made known to the Government of India, It is for consideration, whether their attention may be drawn again to the same with a view to considering any changes required in the rules. It does not seem, however, likely that the conditions stipulated by this Government for the acceptance of the Scheme would necessarily involve any changes in the rules — except perhaps in regard to the initial Constitution of the Joint Cadre with particular reference to Rule 3. (3), which prima facie seems impracticable.

[Connected file put up with D. S. N.]

4) So far as the Mysore State is concerned, the Joint Cadre can only include Officers of the Indian Administrative Service alloted to the State, and no Officer who was a member of the Indian Civil Service, would ~~constitute~~ be included at any rate, initially, the Joint Cadre of the State. — Rule 3. (3)

5) The draft rules seem to be generally acceptable, but one or two points are noted below for consideration:-

~~Rule 3, Sub-para 8;~~

Schedule II, Part B, shows a blank against the column headed "Central Deputation Quota". This means that the State Government is not expected to provide any ~~numbers~~ members for manning posts under the Central Government. Having ~~referred~~ regard to the fact that Mysore has had, over a series of years, a well-organised Civil Service comparable to Provincial Civil Services and to the special features of the Mysore Administration distinguishing it from the administrations of other States and States Unions ~~which has contributed to the efficiency of the Mysore Civil Service, and which has been testified to on many occasions by those who have~~

Draft Indian Civil and Administrative Services (Joint cadre) Rules, 1950.

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~~come into contact with them.~~ It is for consideration, whether the Government of India may be moved to allot a certain number for providing the "Central Deputation Quota" from Mysore. The number to be determined for the purpose is for consideration. It is not clear exactly how the number is fixed, but apparently General Deputation Quota includes Central deputation quota as well that is the reason why the number does not fall short of one-ninth of total number of Senior Duty Posts. In the circumstances, it has not been practicable to provide for Central deputation from Mysore without increasing the number of Senior Duty Posts.

6) The general Deputation quota is fixed at 3, in other words, at one-ninth of the total number of Senior Duty Posts and would appear to be in order. If the proposal to provide the Officers required for deputation to the Central Government is accepted, the authorised strength of the cadre in so far as Mysore is concerned, ~~it~~ which is fixed at 38, would have to be altered, as also the standard annual recruitment rate.

7) In accepting the Indian Administrative Scheme, it has been represented to the Government of India, the total number of the Junior Duty Posts which is now fixed at 4, that is at 3/20 of the number of the Senior Duty Posts, should be raised to 30. If this proposal is accepted, the total authorised strength of the Cadre shown in Schedule II, Part C, will have to be radically altered. This point seems to need clarification and checking up as it is understood that the 30 posts asked for is independent of the Jr. Duty posts included in the Cadre.

8) Subject to these remarks, and to requesting an opportunity to offer comments and suggestions on matter before the embodiment of the latter in the Rules included in Schedule III, the assent of this Government may perhaps be communicated to the adoption of the draft rules proposed.

9) A draft reply to the Government of India on these lines is also put up for consideration.

10) The matter may perhaps be talked over informally in Council.

Chief Secy) 30/11/49

30.11.49.

NOTE—Contn. Sheet.

WD 4503—GBPM—1,000—28-10-40.

2375
CB

Immediate/Secret

GOVERNMENT OF INDIA.
MINISTRY OF STATES

Express Letter

From :- Statesind, New Delhi.

To :- The Chief Secretary to the Government of Madhyabharat, Gwalior.
The Chief Secretary to the Government of Saurashtra, Rajkot.
The Chief Secretary to the Government of Patiala and East Punjab States Union, Patiala.
The Chief Secretary to the Government of Vindhya Pradesh, Rewa.
The Chief Secretary to the Government of Rajasthan, Jaipur.
The Chief Secretary to the United State of Travancore and Cochin, Trivandrum.
The Chief Secretary to the Government of Mysore, Bangalore.
The Chief Secretary to the Government of Hyderabad, Hyderabad-Deccan.

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No. F.23(4)-S/49.Pt.III. Dated the 21st Nov. 1949.

Sub:- Indian Civil and Administrative Services (Joint Cadre) Rules, 1950.

Ref:- Government of India, Ministry of Home Affairs' express letter No. 40/49-AIB., dated the 12th November 1949 (copy with enclosures attached with one spare copy).

It is requested that your comments and suggestions on the draft Rules regarding Indian Civil and Administrative Services (Joint Cadre) Rules, 1950, which are being forwarded along with the Ministry of Home Affairs' express letter referred to above, may kindly be communicated to this Ministry not later than the 10th December, 1949.

The issue of the above has been authorised.

M.K. Kaigar

Under Secretary to the Govt. of India.

From

The Chief Secretary to Govt.

To

The Secretary
to the Govt. of India,
Ministry of States, New Delhi.

Sir,

Subject: Indian Civil and Administrative Services(Joint Cadre) Rules 1950.

Ref: Government of India Ministry of States letter No.F.23(4)-S/49.Pt.III dated 21st November 1949.

With reference to your letter mentioned above I am directed to State that Government of Mysore have carefully considered the proposed draft Rules and consider them to be generally acceptable, but would like to offer the following comments and suggestions for the consideration of the Govt. of India.

1. It has been stated that schedule III which contains most of the important conditions of service like scales of pay, determination of seniority, leave, retirement benefits, etc., are still under compilation. Before this schedule is formally incorporated in the Rules, this Govt. would like to have the opportunity of offering their remarks on the same. In the meanwhile copies of the Ministry of Home Affairs' Express Letters No.60-4-47/Gs. dated 8th May 1948 and letter No.20-12-49.R. dated 18th July 1948 which have been addressed to the Provincial Governments may kindly be forwarded, immediately, for preliminary examination.

2. Rule 3(1) - The Joint Cadre is proposed to be constituted in every Provinces and every States. It is true that there is the need for the constitution of such a Joint Cadre in a Province because there are 2 sets of officers, viz., I.C.S. and the I.A.S. officers doing identical duties there. Such a contingency would obviously not arise in the case of Mysore State. Even after the I.A.S. Cadre is initially

constituted in Mysore there would be no need for any of the I.C.S. officers to find a place in that Cadre. It would be a Cadre consisting ~~mainly~~ entirely of I.A.S. Officers.

③ Rule 3(2) - It has been stated in sub-rule(iii) that all officers of the I.A.S. allotted to a State before the date on which these rules come into force shall constitute the Joint Cadre of that State. This, ~~read~~ taken along with the intention of the Govt. of India as ~~stated~~ apparent in the letter of the Home Ministry viz., that these Rules should be published before 26-1-50, ~~it~~ would mean that the I.A.S. Cadre in Mysore State should be constituted before that date and notified in the Gazette. ~~To follow~~ The procedure prescribed for the initial constitution of the I.A.S. Cadre as detailed in schedule I Part B of the scheme, will necessarily take some considerable time, which may be at least ~~6~~ 3 months. It is, therefore, unlikely that the Cadre can be constituted before 26-1-1950. It would therefore appear to be necessary to either amend the sub-rule(iii) or to add an additional sub-rule(iv) to make provision for the constitution of the I.A.S. in the States after the rules come into operation.

④ Rule 3(6) - It has been stated that all appointments, postings, transfers, deputations, leave, retirement or removal of members of the Joint Cadre shall be notified in the Gazette of India and in the State Gazette. It is suggested that only appointments, postings of officers from the States to the Centre or vice versa or between one state and another, ~~or~~ retirement and removal of members of the cadre may be notified in the Gazette of India. It would be sufficient if ordinary postings, transfers, deputations, leave, etc., are notified in the State Gazette only.

Why this? We may omit this para 168

⑤ Rule 3(7) - It has been stated that the Duty Posts of the Joint Cadre shall be as specified in Schedule 2 part A with reference to each Province or State. The details regarding Mysore have been given in page 8 of the Schedule . A request has been made that the entries

entries in this part of the schedule has to be checked up by the respective State Governments. Mention has been made in the Schedule of only 27 Senior Duty Posts against Mysore State. No mention has been made of the Junior Duty Posts possibly by in-advertence, as they have been mentioned in the case of all other units, and it has also been mentioned in the case of Mysore in Schedule 2 Part C which gives the authorised strength of the Cadres. In the case of all the other provinces and States the Governments have been requested to specify the details regarding the Junior Duty Posts. The following entry may therefore be inserted in Schedule 2 Part A after Senior Duty Posts given against Mysore:

"Junior Duty Posts .. 4."

persons posted to the Junior Duty Posts will hold less important posts until they are fit to take up the Senior Duty Posts involving higher responsibility These Officers will be posted till they get into the Sr. Scale to such duties like those of 'an Under Secretary to Government', 'Revenue Sub-Divisional Officer', 'personal Assistant to Deputy Commissioner' etc.". (6) According to the details of the scheme there will be a training reserve of 2 persons in the Cadre at the stage of initial constitution. This number may also be allotted to Junior Officers. Thus at the stage of initial constitution of the I.A.S. Cadre in Mysore State there would be 6 officers holding Junior Duty Posts. In this connection, I am to invite your reference to this Government's letter No. Dated. communicating the acceptance of this Govt. to the I.A.S.(Extension to States) scheme under certain conditions. In that letter this Govt. have urged ~~upon the Govt. of India~~ that at least 30 Junior Officers from the present personnel should be taken to the I.A.S. ~~scheme~~ posts, at the time of initial recruitment. There has been no big gap created in Mysore Civil Service by any of the problems ~~existing~~ created elsewhere due

due to partition, exodus of European I.C.S. Officers, integration of States etc. The result has been that there is an ~~surplus~~ adequate no. here of Junior Officers. After the Junior Officers who have been recommended by us are interviewed by the S.R.B. all the persons who are found fit may be taken into the I.A.S. against the no. of ~~the~~ Junior Duty Posts determined. This might necessitate the temporary increase of the strength of the Junior Duty Posts allotted to Mysore. After this number is reduced, Eventually, in the Course of years, to the number fixed in the scheme on the basis of actuarial calculations, normal recruitment from among the persons who have passed the competitive examination will have to commence. The case would therefore be different in Mysore [from] what ~~it~~ is in other Provinces or States. It ~~would, therefore, be necessary~~ possible that the pace of ~~the~~ direct recruitment to the posts in Mysore may have to be slowed down for some time, though ~~in the case of Mysore~~ graduates from the State may be allowed to sit for the I.A.S. Exam. each year, for being taken on, if successful, to other cadres.

(7) Rule - 3(8) - It has been stated that the Deputation Quota of the Joint Cadre shall be as specified in Schedule 2 Part B with reference to each province and State. From an examination of this Schedule it is seen that no Central Deputation Quota has been alloted to Mysore. From the Explanatory Memorandum explaining this particular rule it is seen that this quota represents the number which the Province or State Government concerned have specifically undertaken to provide for manning posts under the Central Government. From this it would appear that the Scheme contemplates taking men from the State Cadre of the I.A.S. This Govt., therefore, strongly urge that a suitable quota may be fixed for Central Deputation from Mysore State Also. It may be mentioned that Mysore has had over a series of years a well organised Civil Service, and some of its officers have actually served in the past in the Govt. of India on a deputation basis. When all the

differences between the Provinces and States are being removed under the new Constitution it is extremely desirable that the same treatment as is shown to a Province is extended to the States also. If the officers of the State Cadre go and work either in the Central Secretariat or in any other posts in the Central Government for a limited period on a deputation basis, they would acquire valuable experience and would be of an immense value to the administration of the State. It is seen that there are 401 Senior Duty Posts in 9 Provinces and that the Central Deputation Quota from these 9 provinces is 125. This works out to about 31%. This Govt. strongly urge that a Central Deputation Quota in this proportion may be allotted to this State. The senior Duty Posts in Mysore is 27 and therefore a Central Deputation Quota of 8 may kindly be allotted.

(8) Rule 3(9) - This deals with the authorised strength of the Joint Cadre and has been specified in Schedule 2 Part C. This would require a revision in view of what has been stated above. The total strength of the Cadre may kindly be fixed after making provision for a Central Deputation Quota.

(9) Rule 4(2) - A slight amendment is suggested. The words "in consultation with the State Government may be added ~~and~~ at the end of the rule.

(10) Rule 4(3) - It is presumed that this rule applies only ~~in the case of~~ to new and direct recruits and that it would not be made applicable ~~in~~ to the case of officers who have put in years of service in the respective State Civil Service and who will be appointed in the I.A.S. Cadre when such a Cadre has to be initially constituted in the State. As this rule stands at present it may be ~~incorporated~~ treated to mean that it would make it compulsory for every person who is

appointed to the I.A.S. Cadre to pass the tests prescribed. Instead of the word "Shall" wherever it occurs in that sub-para if the word "May" is used, it would make the position (~~better~~ clearer) and would take into consideration the cases of persons who would be selected for Senior Duty Posts at the stage of initial constitution of the Cadre in the State. If this course is not possible, it is suggested that an explanatory note or a proviso may be added stating that this rule would not apply to persons who may be appointed in the manner specified above.

(11) Rules 9 to 14 - As already mentioned above in para 1 supra before the Schedule III is adopted the views of this Government may also be taken. This Govt. have already urged [upon] ~~the Govt. of India~~ in ~~the~~ letter No. Dated. that when the Seniority and initial pay of officers of this Govt. who/will be taken into the I.A.S. Cadre (~~is~~ are) to be fixed in the All India Gradation Roll, due consideration should be given to their age, experience, length of service, etc., and that the salary which they are now drawing should not be the only criterion. This Govt. would also like to mention that when the seniority is being fixed in the All India Gradation Roll the seniority of officers taken from Mysore should not be disturbed intense from what is existing at present in the Mysore State.

(12) In offering the above comments and suggestions I am ~~dixe~~ desired to state that after the rules are published, 100 copies of the rules may kindly be made available to this Government.

Yours faithfully,

Chief Secretary to Government.

2/12/49